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EXAMINER

BRADFORD, CANDACE L

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,109	<b>Applicant(s)</b> MEITUS ET AL.	
	<b>Examiner</b> CANDACE L. BRADFORD	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

Claims 7 and 34 are objected to because of the following informalities: It is unclear to examiner if the “at least one elongate flexible element” is in addition or the same as the elongate flexible element as claimed in claims 1 and 32 respectively. Appropriate correction is required.

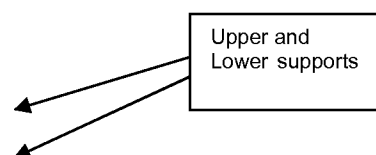
### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Curiel (4531611). Curiel discloses a mass rescue system comprising at least one upper rotatable support 8, at least one lower rotatable support 10, disposed below said at least one upper rotatable support, at least one elongate flexible element 6, wound about said at least one upper and at least one lower rotatable supports, and at least first and second rescue platforms 26, mounted on said at least one elongate flexible element at locations therealong arranged with respect to said upper and lower rotatable supports such that downward motion of said first rescue platform produces concomitant upward motion of said second rescue platform and vice versa, said first and second rescue platforms, when loaded to different weights, being operative to undergo upward and



downward motion produced by gravitational acceleration and without requiring an external energy source, as recited in column 2, lines 11-15 and column 5, lines 10-13.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Curiel (4531611). Curiel discloses a mass rescue system according of claim 1 wherein said at least one elongate flexible element comprises a looped elongate element, as best seen in Figure 2.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Curiel (4531611). Curiel discloses a mass rescue system according to claim 1 and also comprising at least one guiding element 16, which is operative to guide said first and second rescue platforms.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Curiel (4531611). Curiel discloses a mass rescue system according to claim 5 and wherein said at least one guiding element 16, comprises at least one rigid element 18.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Curiel (4531611). Curiel discloses a mass rescue system according to claim 5 and wherein said at least one guiding element 16, comprises at least one elongate flexible element 6.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Curiel (4531611). Curiel discloses a mass rescue system according claims 4 and wherein at least one of said first and second rescue platforms includes at least one guide assembly 16, which rides along said at least one guiding element and which is operative to reduce transverse displacement of said rescue platform, as best seen in Figure 2.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Curiel (4531611). Curiel discloses at least one of said first and second rescue platforms also comprises a safety assembly 16, operative to prevent free-fall of said rescue platform, as best seen in Figure 2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Meller (2003/0070873). Curiel as advance above fails to disclose a mass rescue system according to claim 1 and also comprising a dynamic resistance device. Meller teaches the utility of a dynamic resistance device, as recited in column 6, lines 9-13, operative to employ potential energy of said at least first and second rescue platforms for braking downward motion thereof. The use of dynamic resistance devices are commonly used in the art to allow for easy movement/transition of rescue platform which are attached to cables. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel with a dynamic resistance device as taught by Meller, so as to allow for easy movement/transition of rescue platform which are attached to cables.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Curiel as advanced above fails to

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disclose a mass rescue system according to claim 1 with multiple elongate flexible elements. Keegan et. al. teaches the utility of multiple elongate flexible elements 25. The use of multiple elongate flexible elements is commonly used in the art to provide additional support to lift and lower the emergency device. Therefore, it would have been obvious to one of ordinary skill in the art to provide the evacuation system of Curiel with multiple elongate flexible elements as taught by Keegan et. al. so as to provide additional support to lift and lower the emergency device.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Curiel as advanced above fails to disclose a mass rescue system according to claim 1 and also comprising a counterweight. Keegan et. al. teaches the utility of a counterweight 20, operative to provide initial downward motion under gravitational acceleration and without requiring an external energy source. The use of a counterweight is commonly used in the art to prevent free falling of a rescue device by balancing the weight on an elongated element. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel with a counterweight as taught by Keegan et. al. so as to prevent free falling of a rescue device by balancing the weight on an elongated element.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Curiel as advanced above fails to disclose discloses a mass rescue system according to claim 1 and wherein at least one of said first and second rescue platforms comprises a cabin. Keegan et. al. teaches the utility of a cabin 10. The use of a cabin as a component in rescue apparatus is

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commonly used in the art to protect the passenger from flames or debris that may come from the building in which they are being rescued. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel with a cabin as taught by Keegan et. al. so as to protect the passenger from flames or debris that may come from the building in which they are being rescued.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Curiel as advanced above fails to disclose a mass rescue system according to claim 1 also comprising at least one stair unit associated with said first and second rescue platforms. Keegan et. al. teaches the utility of stairs 14. The use of stairs as a component of a rescue system is commonly used in the art. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue system of Curiel with a stair component to the rescue system as taught by Keegan et. al. to provide an additional rescue component to the rescue device.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Keegan et. al. further discloses a mass rescue system according to claim 1 wherein at least one of said first and second rescue platforms also comprises at least one door 93, and at least one door safety element 94, operative to prevent vertical motion of said rescue platform while said at least one door is open, as best seen in Figure 2.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Keegan et. al. further discloses a mass

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rescue system according to claim 1 and wherein at least one of said first and second rescue platforms also comprises at least one of a first aid kit and a communications device 97.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Meller (2003/0070873). Curiel as advance above fails to disclose a mass rescue system according to claim 2 wherein said dynamic resistance device. Meller teaches the utility of a dynamic resistance device operative to slow vertical motion of at least one of said first and second rescue platforms to a speed which is less than a predetermined speed, as recited in column 6, lines 9-13. The use of dynamic resistance devices are commonly used in the art to allow for easy movement/transition of rescue platform which are attached to cables. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel with a dynamic resistance device as taught by Meller, so as to allow for easy movement/transition of rescue platform which are attached to cables.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Meller (2003/0070873). Curiel as advanced above fails to disclose a mass rescue system according to claims 2 wherein said dynamic resistance device also comprises a reducing gearbox and a fan descender. Meller teaches the utility of a fan descender and speed control, as recited in column 6, lines 9-17. It is commonly known in the art that a fan descender and reducing gear box is commonly used in the art as a component of a dynamic resistance device which assist in controlling the speed of the rescue platform while in operation. Therefore, it would have been obvious to one



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of ordinary skill in the art to provide the rescue device of Curiel with a dynamic resistance device as taught by Meller, so as to allow for easy movement/transition of rescue platform which are attached to cables.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Meller (2003/0070873). Curiel in view of Meller as advanced above further discloses a mass rescue system according to claim 16 and wherein said dynamic resistance device also comprises a position dependent gear controller operative to control the gear ratio of said reducing gearbox as a function of a vertical position of at least one of said first and second rescue platforms. The use of a controller is commonly known in the art as a required component to allow for manual control of a rescue device. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel in view of Meller with a position dependent gear controller, so as to allow for manual control of a rescue device.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Meller (2003/0070873) in further view of Keegan et. al.. Curiel in view of Meller, as advanced above fails to disclose a mass rescue system according to claim 17 and wherein said dynamic resistance device also comprises a visually sensible position indicator associated with said position dependent gear controller. Keegan teaches the utility of a visual sensor, as recited in column 5, lines 24-26. The use of a visually sensible position indicator is commonly used in the art to allow for an operator of a rescue device to have a reference point as to where to position the device. Therefore, it would have been obvious to one of ordinary skill in the art to provide the

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rescue device of Curiel in view of Meller with a visual sensor as taught by Keegan et. al. so as to allow for an operator of a rescue device to have a reference point as to where to position the device.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Curiel as advanced above fails to disclose a mass rescue system according to claim 2 and wherein said dynamic resistance device also comprises a mechanical brake assembly. Keegan et. al. teaches the utility of a mechanical brake assembly 170, operative, when in a first position, to prevent vertical motion of said first and second rescue platforms. The use of mechanical brakes are commonly used in the art to provide for precise and easy braking when required. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel with a mechanical brake assembly as taught by Keegan et. al. so as to provide for precise and easy braking when required.

Claims 20 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Curiel in view of Keegan et. al. (5671824) as advanced above fails to disclose a mass rescue system according to claim 19 and wherein said mechanical brake assembly also comprising a handle which is selectably movable between said first position and a second position to enable a user to selectably operate said system. The use of a handle is commonly used in the art to manual control the braking assembly. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel in view of Keegan et. al. with a handle to manually control the braking assembly.

It would have been further obvious in view of the structure as advanced above to use the rescue system in the method as claimed, i.e., providing upper and lower rotatable supports, providing a dynamic resistance governing motions, providing at least one guiding element, operating a brake assembly, providing a counterweight, and loading the first platform to a lower weight than that of the counterweight, while producing no new and unexpected results.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Keegan further teaches the utility of a buffer 95.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Curiel as advanced above discloses a mass rescue system, as best seen in Figure 2, comprising an upper rotatable support 8, a lower rotatable support 10, disposed below said upper rotatable support, at least one elongate flexible element 6, wound about said upper and lower rotatable supports, and a first rescue platform 26, but fails to disclose a counter weight. Keegan et. al. teaches the utility of a counterweight 20, mounted on said at least one elongate flexible element 25, at locations therealong arranged with respect to said upper and lower rotatable supports such that downward motion of said first rescue platform 10, produces concomitant upward motion of said counterweight and vice versa, said first rescue platform having a weight, when loaded to at least a first predetermined extent, which is greater than a weight of said counterweight and thus being operative to undergo downward motion produced by gravitational acceleration, causing concomitant upward

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motion of said counterweight, and said first rescue platform having a weight, when unloaded to at least a second predetermined extent, which is less than the weight of said counterweight and thus said counterweight is operative to undergo downward motion produced by gravitational acceleration, causing concomitant upward motion of said first rescue platform, when unloaded to at least a second predetermined extent.

The use of a counterweight is commonly used in the art to prevent free falling of a rescue device by balancing the weight on an elongated element. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel with a counterweight as taught by Keegan et. al. so as to prevent free falling of a rescue device by balancing the weight on an elongated element.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Curiel in view of Keegan et. al. as advanced above fails to disclose a mass rescue system according to claim 27 and wherein said counterweight comprises at least a second rescue platform having a weight, when unloaded to at least a second predetermined extent, which is less than the weight of said first rescue platform, when loaded to at least a third predetermined extent and thus said counterweight is operative to undergo downward motion produced by gravitational acceleration, causing concomitant upward motion of said first rescue platform, when unloaded to at least a second predetermined extent. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824) in further view of Meller (6793038). Curiel in view of Keegan et. al. as advanced above fails to disclose a mass rescue system according to claims 27 comprising a dynamic resistance device operative to employ potential energy of said first rescue platform for braking downward motion thereof. Meller teaches the utility of a dynamic resistance device operative to slow vertical motion of at least one of said first and second rescue platforms to a speed which is less than a predetermined speed, as recited in column 6, lines 9-13. The use of dynamic resistance devices are commonly used in the art to allow for easy movement/transition of rescue platform which are attached to cables. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel in view of Keegan et. al. with a dynamic resistance device as taught by Meller, so as to allow for easy movement/transition of rescue platform which are attached to cables.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Curiel as advanced above fails to disclose a mass rescue system according to claim 1 with multiple elongate flexible elements. Keegan et. al. teaches the utility of multiple elongate flexible elements 25. The use of multiple elongate flexible elements is commonly used in the art to provide additional support to lift and lower the emergency device. Therefore, it would have been obvious to one of ordinary skill in the art to provide the evacuation system of

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Curiel with multiple elongate flexible elements as taught by Keegan et. al. so as to provide additional support to lift and lower the emergency device.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Curiel further discloses a looped elongated element as best seen in Figure 2.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Keegan et. al. further discloses a mass rescue system according to claim 27 comprising at least one guiding element 25, which is operative to guide said first rescue platform 10, and said counterweight 20.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Curiel further discloses a mass rescue system according to claim 32 and wherein said at least one guiding element 16 comprises at least one rigid element 18, as best seen in Figure 2.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Curiel further discloses a mass rescue system according to claim 32 and wherein said at least one guiding element 16 comprises at least one elongate flexible element 6.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Keegan et. al. further discloses a mass rescue system according to claim 27 wherein said first rescue platform comprises a cabin 3.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Keegan et. al. further discloses a mass rescue system according to claim 32, wherein said first rescue platform 3, includes at least one guide assembly 17 which rides along said at least one guiding element and which is operative to reduce transverse displacement of said first rescue platform, as best seen in Figure 1.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Keegan et. al. further discloses a mass rescue system according to claim wherein said first rescue platform also comprises a safety assembly operative to prevent free-fall of said first rescue platform. Keegan et. al. teaches the utility of a counterweight 20, and wherein at least one of said first and second rescue platforms also comprises a safety assembly operative to prevent free-fall of said rescue platform, as best seen in Figure 2. The use of a counterweight is commonly used in the art to prevent free falling of a rescue device by balancing the weight on an elongated element. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel with a counterweight as taught by Keegan et. al. so as to prevent free falling of a rescue device by balancing the weight on an elongated element.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Keegan et. al. further discloses a mass rescue system according to claim 27 and also comprising at least one stair unit 14, associated with said first rescue platform.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Keegan et. al. further discloses a mass rescue system according to claim 27 and wherein said first rescue platform 3, also comprises at least one door and at least one door safety element operative to prevent vertical motion of said first rescue platform while said at least one door is open.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824). Keegan et. al. further discloses a mass rescue system according to claim 27 and wherein said first rescue platform also comprises at least one of a first aid kit and a communications device 97.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824) and in further view of Meller (6793038). Meller further discloses a mass rescue system according to claim 29 and wherein said dynamic resistance device is operative to slow vertical motion of said first rescue platform to a speed which is less than a predetermined speed, as recited in column 6, lines 9-17.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824) and in further view of Meller (6793038). Curiel in view of Keegan as advanced above fails to disclose a mass rescue system according to claims 2 wherein said dynamic resistance device also comprises a reducing gearbox and a fan descender. Meller teaches the utility of a fan descender and speed control, as recited in column 6, lines 9-17. It is commonly known in the art that a fan descender and reducing gear box is commonly used in the art as a component of a



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dynamic resistance device which assist in controlling the speed of the rescue platform while in operation. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel in view of Keegan with a dynamic resistance device as taught by Meller, so as to allow for easy movement/transition of rescue platform which are attached to cables.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824) and in further view of Meller (6793038). Meller as advanced above further discloses a mass rescue system according to claim 16 and wherein said dynamic resistance device also comprises a position dependent gear controller operative to control the gear ratio of said reducing gearbox as a function of a vertical position of at least one of said first and second rescue platforms. The use of a controller is commonly known in the art as a required component to allow for manual control of a rescue device. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel in view of Meller with a position dependent gear controller, so as to allow for manual control of a rescue device.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824) and in further view of Meller (6793038). Curiel in view of Meller, as advanced above fails to disclose a mass rescue system according to claim 17 and wherein said dynamic resistance device also comprises a visually sensible position indicator associated with said position dependent gear controller. Keegan teaches the utility of a visual sensor, as recited in column 5, lines 24-26. The use of a visually sensible position indicator is commonly used in the art to allow

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for an operator of a rescue device to have a reference point as to where to position the device. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel in view of Meller with a visual sensor as taught by Keegan et. al. so as to allow for an operator of a rescue device to have a reference point as to where to position the device.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824) and in further view of Meller (6793038). Keegan et. al. further discloses the utility of a mechanical brake assembly 170, operative, when in a first position, to prevent vertical motion of said first and second rescue platforms. The use of mechanical brakes are commonly used in the art to provide for precise and easy braking when required. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Curiel in view of Meller with a mechanical brake assembly as taught by Keegan et. al. so as to provide for precise and easy braking when required.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824) and in further view of Meller (6793038). Curiel in view of Keegan et. al. (5671824) as advanced above fails to disclose a mass rescue system according to claim 19 and wherein said mechanical brake assembly also comprising a handle which is selectably movable between said first position and a second position to enable a user to selectably operate said system. The use of a handle is commonly used in the art to manual control the braking assembly. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue

device of Curiel in view of Keegan et. al. in further view of Meller with a handle to manually control the braking assembly.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curiel (4531611) in view of Keegan et. al. (5671824) and in further view of Meller (6793038). Keegan et. al. further discloses a mass rescue system according to claim 27, and also comprising at least one buffer 95, for final stopping of vertical motion of said first rescue platform, as best seen in Figure 6.

It would have been further obvious in view of the structure as advanced above to use the rescue system in the method as claimed, i.e., providing upper and lower rotatable supports, providing a dynamic resistance governing motions, providing at least on guiding element, operating a brake assembly, providing a counterweight, and loading the second platform to a lower weight than that of the counterweight, while producing no new and unexpected results.

### ***Response to Arguments***

Applicant's arguments, see page 12, lines 25-29, filed 10/13/08, with respect to the rejection(s) of claim(s) 1-52 under Korchagin et. al. (2005/0023082) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Curiel (4531611).

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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